

STATUS OF THE CLAIMS

Claims 32-59 are currently pending in this Application. Claims 52-59 are newly added. Support for these claims can be found in claims 32, 37 and 40-46, as well as throughout the Specification. Accordingly, no new matter has been added.

REMARKS

In the Office Action mailed on September 22, 2008, a Restriction Requirement was issued under 35 U.S.C. 121 and 372, and PCT Rules 13.1 and 13.2. The following inventions were considered to lack unity of invention:

- Group I:** Claims 1-2, 6-19, and 30-31, drawn to a method of identifying receptors.
- Group II:** Claims 3-5 and 20-22, drawn to a cell.
- Group III:** Claims 23-28, drawn to a method for selecting cells.
- Group IV:** Claim 29, drawn to a method for assembling an enzymatic pathway.

Please note the Restriction Requirement refers to claims 1-31, submitted May 17, 2006. However, Claims 1-20, also submitted May 17, 2006, now renumbered herein as claims 32-51, are believed the current claims (prior to the present amendment). Please note the Filing Receipt, mailed September 21, 2007, indicates 20 total claims, including 4 independent claims. Also, p. 4 of the Transmittal of New Application, which indicates 3 pages of claims (1-20, now claims 32-51) as opposed to 4 pages (1-31). Finally, the Fee Worksheet, filed May 17, 2006, indicates "Total Chargeable Claims" as 20.

Accordingly, this Response attempts to reply to the Restriction Requirement as applied to the current claims, now renumbered as claims 32-51. Applicants believe the following groupings to be equivalent to those laid out in the Restriction Requirement:

- Group I:** Claims 32, 33 and 37-46, drawn to a method of identifying receptors and enzymes.
- Group II:** Claims 34-36 and new claims 52-59, drawn to a cell.
- Group III:** Claims 47-51, drawn to a method for selecting cells.
- Group IV:** No equivalent claims.

Applicants elect Group II: Claims 34-36 and new claims 52-59, without traverse.

Applicant reserves the right to file a continuation or divisional patent application on the non-elected claims.

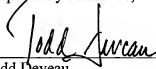
At p. 3, the Office Action states, "Claim 1 is anticipated by US 6,251,602." Claim 1 falls under non-elected Group I. Consequently, Applicant respectfully submits that US 6,251,602 does not anticipate the currently elected Group II. Further, Applicant reserves the right to argue that US 6,251,602 fails to anticipate claim 32.

CONCLUSION

The Restriction Requirement should have addressed claims 1-20, now renumbered as claims 32-51, not claims 1-31 of Applicant's published PCT application prior to the Preliminary Amendment previously presented. Applicant elects Group II for prosecution on the merits, without traverse. Claims 52-59 have been added consistent with the elected group, which Applicant submits do not constitute new matter.

Applicant believes no fee is due. The Commissioner is hereby authorized to credit any overpayment and charge any additional fees due to Deposit Account 20-0779.

Respectfully submitted,



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